

REMARKS

There are now pending in this application claims 1-26, of which claims 1 and 14 are independent. Claims 14-26 are newly added. No claims have been cancelled.

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

Applicants acknowledge with appreciation the Examiner's suggested new title. Applicants have in part, adopted that title but in a way believed to more accurately describe the invention. Favorable consideration and entry of the new title is respectfully sought.

Applicants have also amended claim 8 so that it no longer depends from claim 3, thereby eliminating the basis for objecting to that claim. It is respectfully submitted that claim 8 is now in proper form.

Claims 1-13 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of co-pending application number 10/789,985. However, subsequent to the issuance of the Official Action in this case, Applicants filed an Amendment in application number 10/789,985, canceling claim 2 and substantially amending independent claim 1. It is respectfully submitted that by virtue of the amendment to claim 1 in that case the basis for the rejection no longer exists and such should now be withdrawn.

Applicants also understand the Examiner to have taken the position that despite use of the word "means" in claims 1-13, the Examiner would not construe the claims as invoking 35 U.S.C. § 112, sixth paragraph. Applicants respectfully disagree and traverse that position. However, to expedite prosecution, Applicants hereby makes the requested formal statement on

the record that the “means” language in claim 1-13 intends to and does in fact invoke § 112, sixth paragraph.

More specifically, reference to the sheet holding means corresponds at least to the buffer unit 140 described at page 21, lines 10-27, reference to the first sheet stacking means corresponds at least to processing tray 129 at page 27, lines 11-19, reference to the second sheet stacking means corresponds at least to stack tray 128 at page 27, line 23 through page 28, line 15, reference to the first sheet conveying means corresponds at least to oscillation roller pair 127 at page 27, line 23 through page 28, line 15 and reference to the second sheet conveying means corresponds at least to trailing edge assist 134 at page 27, line 23 through page 28, line 15.

In view of the above formal statements, Applicants respectfully submit that claims 1-13 incorporate means plus function language and should be construed as required under 35 U.S.C. § 112, sixth paragraph.

Claims 1-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by either Uto et al. or Kawano et al. The rejections are respectfully traversed.

Uto et al. relates to a sheet handling apparatus comprising a sheet processing means, a first and second sheet transport path, a transport direction switch means and control means. Uto et al. features a sheet post-processing apparatus 500 conveying the sheet sent from the image forming apparatus while switching between the first stapling path 53 and the second stapling path 54. The apparatus joins the respective sheets conveyed in the respective paths and then discharges the sheets while overlapping one sheet on the other. The overlapped sheets S1 and S2 are discharged, and the status of the sheet S1 conveyed in the second stapling path 54 is overlapped under the sheet S2 conveyed in the first stapling path 53, and, in addition, the leading

edge of the sheet S2 is in advance of the leading edge of the sheet S1. (See, col. 8, line 18 through col. 9, line 15.)

However, Uto et al. does not teach or suggest that the sheets held in the first and second stapling paths and the sheet stacked on the processing tray 12a are conveyed all together. Thus, Uto et al. is not understood to teach or suggest that after the sheets stacked on the first sheet stacking means are conveyed by the second sheet conveying means toward the second sheet stacking means by a predetermined amount, the first sheet conveying means conveys the sheets held by the sheet holding means and the sheets stacked on the first sheet stacking means simultaneously under a state in which a downstream edge of the sheets stacked on the first stacking means protrudes in a downstream side beyond a downstream edge of the sheets held by the sheet holding means by a predetermined amount to thereby discharge the sheets stacked on the first sheet stacking means to the second sheet stacking means and to stack the sheets held by the sheet holding means onto the first sheet stacking means.

Kawano et al. relates to a sheet finisher for receiving and aligning sheets discharged from an image forming apparatus, for them stapling the sheets together and ejecting the stapled sheet to an exit tray. More specifically, Kawano et al. features a sheet post-processing apparatus in which the sheets P discharged from the image forming apparatus are stacked and aligned on the intermediate stacker 22, and in which the sheet stack P are discharged on the discharge tray 6 after executing stapling processing by the stapler 30.

In Kawano et al., the first sheet P2-1 and the second sheet P2-2 conveyed from the image forming apparatus are passed through the different entry paths 17 and 18 but sheets P2-1 and P2-2 are overlapped in the path 19 before the sheets are introduced to the intermediate

stacker 22, and thereafter, sheets P2-1 and P2-2 are discharged on the intermediate stacker 22.

Kawano et al. fails to teach or suggest the sheets P2-1 and P2-2 being overlapped in the holding state in the path 19 and the sheets P stacked on the intermediate stacker 22 be conveyed all together and thereafter the sheet P stacked on the intermediate stacker 22 be discharged onto the discharge tray 6 and the sheets P2-1 and P2-2 be stacked on the intermediate stacker 22.

Like Uto et al., Kawano et al. does not teach or suggest structure recited in claim 1, namely structure in which the first sheet conveying means conveys the sheets held by the sheet holding means and the sheets stacked on the first sheet stacking means simultaneously under a state in which a downstream edge of the sheet stacked on the first sheet stacking means protrudes in a downstream side beyond a downstream edge of the sheets held by the sheet holding means by a predetermined amount to thereby discharge the sheets stacked on the first sheet stacking means to the second sheet stacking means and to stack the sheets held by the sheet holding means onto the first sheet stacking means.

For the foregoing reasons, it is respectfully submitted that independent claim 1 is distinguishable over the two applied references.

Claims 2-13 depend from claim 1 and are therefore patentable over the art of record for reasons noted above with respect to claim 1. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

New claims 14-26 correspond to claims 1-13 and incorporate what are believed to be the salient features of those claims. Claims 14-26 differ from claims 1-13 and that they are not written in means plus function language. Nevertheless, Applicants respectfully submit that

claims 14-26 are patentable over the art of record at least for reasons notes above with respect to claims 1-13.

Applicants respectfully submit that all outstanding matters have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application are respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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